

Appl. No.: 10/685,377
Amdt. Dated: November 11, 2004
Reply to Office Action of August 20, 2004

REMARKS

The drawings were objected to in that they did not show every feature of the invention specified in the claims. Particularly, a chassis having a plurality of openings and the adaptation of each plate for attaching to the chassis. Submitted as a part of this Amendment are two new drawing sheets which clearly illustrate the chassis having the plurality of openings and the means for adaptation of each plate for attachment to the chassis.

The specification has been amended to insert a description of the new Figures 3 and 4 on page 10 and a detailed description of what is illustrated in Figures 3 and 4 on page 11.

Applicant respectfully submits that the drawings as presently amended illustrate all of the feature of the invention as defined in the claims. Applicant also respectfully submits that no new matter has been submitted because in the specification as originally filed on page 3, beginning at line 4, it was stated that each of said plates being adapted for attachment to said chassis in size to cover at least one of said openings. Also on page 5 in the fourth full paragraph it is stated "in a specially preferred embodiment to the present invention there is provided a modular armored vehicle system for combat vehicles comprising a plurality of interchangeable plates . . . said plates being interchangeably malleable on said combat vehicle chassis for covering the plurality of openings provided in said chassis for said purpose."

On page 6 in the fourth full paragraph it is stated "... the relevant teachings of which are incorporated herein by reference since while said earlier patents teach composite armor which can be utilized in the present invention, none of them teach or suggest the concept of a modular armored vehicle system for use in producing armored combat vehicles wherein the armor panels serve as stand-alone rather than add-on protection for an armored vehicle and are adapted for attachment to an armored combat vehicle chassis to cover openings provided therein."

On page 11 the second paragraph states "Panel 4 is further provided with attachment means 14 for securing said panel to an opening in said vehicle chassis."

In addition thereto, Claims 1 and 14, the only independent claims contained herein, clearly describe and define the invention as a modular armored vehicle system comprising an armored combat vehicle chassis having a plurality of openings and a plurality of composite armor plates . . . each of said plates being adapted for attachment to said chassis and sized to

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cover at least one of said openings" Thus, the structure as shown in the drawings as amended find full support in the application as originally filed. Applicant therefore respectfully requests approval of the amended drawings and inclusion of the new Figures 3 and 4.

CLAIM REJECTIONS

Claims 1-9 were rejected as being obvious over U.S. patent 6,289,781 in view of U.S. 6,082,240 issued to Middione et al. Applicant respectfully traverses this rejection. Examiner has characterized Cohen 6,289,781 as disclosing a plurality of composite armored plates in that "the plates are adapted for attachment (capable of attaching) to the chassis of an armored vehicle (by any means of attachment and including placement on top of the vehicle) and sized to cover at least one opening contained within a vehicle." Applicant respectfully submits that Examiner has totally mischaracterized the disclosure of Cohen '781. Cohen '781 at column 1 lines 10-15 states:

"The present invention relates to composite armor plates and panels. More particularly, the invention relates to an armored plate which may be worn to provide the user with lightweight ballistic protection, as well as two armored plates for providing ballistic protection for light and heavy mobile equipment and vehicles against high-speed projectiles or fragments."

In column 6, lines 54-59 Cohen '781 states:

"For heavy armored vehicles ceramic pellets having a diameter of 38mm and a height of between 32 and 75mm were found to be more than adequate to deal with 20, 25 and even 30mm armor piercing projectiles when used in a multi-layered armor panel according to the present invention."

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At column 8, lines 29 and 30, it is stated:

"Armor for land and sea vehicles is suitably made using a metal casting alloy containing at least 80% aluminum."

The foregoing are the only references contained in Cohen '781 with regard to the armor plate as described in claim in Cohen '781 being used in conjunction with an armored vehicle. There is no teaching or even a suggestion as to the manner in which the plates are adapted for attachment to the armored vehicle and there is absolutely no description or hint of any type that the vehicle contains an opening and that the armor plate is adapted to be attached to the vehicle to cover such an opening. The only manner in which such a construction of Cohen can occur is by utilizing Applicant's own disclosure as contained in this Application which is improper. In fact, Examiner actually states "Cohen does not disclose an armored combat vehicle chassis having a plurality of openings."

Examiner also says that Middione discloses a modular armor mounting system for an armored vehicle 16 having openings (Figures 2, 4 and 5). Again, Applicant respectfully submits that Examiner is totally mischaracterizing the teachings of Middione. There is no teaching in Middione of any type of an armored vehicle which has openings therein. What Middione does disclose in Figure 2 at 16, Figure 4 at 56 and Figure 5 at 116 is the vehicle hull at no point in any of the drawings is the vehicle hull shown with an opening therein. Furthermore, it is very clear from the teachings of Middione that the invention of Middione is a mounting system to allow mounting of an armored panel on the vehicle hull that is further stated specifically in column 1 at lines 49-52 that "the armor panel 15 is placed against the vehicle hull 16 so that a side with one of the largest surface areas of the armor panel 15 is adjacent to the vehicle hull 16." Thus, Cohen '781 as modified by Middione '240 would merely provide a system of mounting brackets as taught by Middione to secure the armor panel as taught by Cohen '781 against the outer surface of the vehicle hull utilizing the particular mounting system as disclosed by Middione. Applicant respectfully submits that Claims 1-9 define subject matter which is patentable over the teachings of Cohen '781 and Middione '240. Applicant therefore respectfully requests reconsideration of Claims 1-9 and the issuance of a notice of allowance with respect thereto.

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Claims 10, 13 and 14 were rejected also as being obvious over Cohen '781 and Middione as applied to Claims 1-9 and further in view of Cohen '075. Cohen '075 was cited only for the purpose of disclosing the third backing layer of metal. Applicant adopts the arguments above set forth with regard to Claims 1-9 as to the teachings of Cohen '781 and Middione '240 and respectfully submits that since the limitations set forth in Claims 1-9 are equally applicable to Claims 10, 13 and 14 that these claims are also patentable over Cohen '781, Middione '240 and Cohen '075 for the same reasons as above set forth. Therefore, Applicant respectfully requests reconsideration of Claims 10, 13 and 14 and the issuance of a notice of allowance with respect thereto.

Claims 10, 11 and 12 are also rejected as being obvious over Cohen '781 and Middione '240 and further in view of Ferguson 4,131,053 or G.B. 2,277,141 issued to Slater. The new references to Ferguson and Slater are cited as disclosing the specific backing layer as claimed in Claims 10, 11 and 12. However, these claims, namely 10, 11 and 12, also contain the same limitations as is set forth above with regard to Claim 1 specifically with regard to the armored vehicle having a plurality of openings with the armor plate covering the openings and attached to do so. The combination as set forth with respect to Claims 10, 11 and 12 clearly do not disclose these limitations and therefore Applicant respectfully submits that Claims 10, 11 and 12 define subject matter which is patentable over Cohen '781, Middione '240 and further in view of Ferguson or Slater. Applicant therefore respectfully requests reconsideration of Claims 10, 11 and 12 and the issuance of a notice of allowance with respect thereto.

Applicant has considered the prior art made of record but not relied on and respectfully submits that such taken separately or together does not render any of the claims under consideration unpatentable.

In view of the foregoing amendments and these remarks, Applicant respectfully requests reconsideration of Claims 1-14 and the issuance of a notice of allowance with respect thereto.

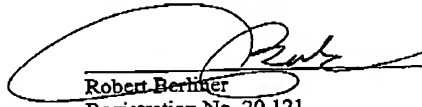
The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0337, under Order No.6658-109XX/10313085.

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As a result of the foregoing substitute specification and claims and the foregoing remarks, Applicant respectfully submits that the application is now in condition for allowance and the issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,

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